

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BRANDON J. RUBIO,

Petitioner,

v.

WASHINGTON STATE DEPARTMENT
OF CORRECTIONS,

Respondent.

Case No. C21-1721-JCC-SKV

ORDER OF DISMISSAL

Having reviewed the Report and Recommendation of the Honorable S. Kate Vaughan,
United States Magistrate Judge and the remaining record, and there being no objections or
response, the Court finds and ORDERS:

(1) The Court ADOPTS the Report and Recommendation.

(2) Petitioner's petition for writ of habeas corpus is DENIED without an evidentiary
hearing, and this action is DISMISSED without prejudice.

(3) A certificate of appealability is DENIED. *See* 28 U.S.C. § 2253(c).

(4) The Clerk is directed to send copies of this Order to the parties and to Judge
Vaughan.

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1 DATED this 25th day of March 2022.

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5 John C. Coughenour
6 UNITED STATES DISTRICT JUDGE
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